

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CHARLES L. BURTON, JR.,

Plaintiff,

V.

JEFFERSON DUNN, Commissioner,  
Alabama Department of Corrections,

Defendant.

CASE NO. 2:19-CV-242-RAH

## ORDER

On July 1, 2021, the Court conducted a status teleconference in this matter. The Plaintiff was represented by Spencer Hahn, an attorney with the Federal Defenders for the Middle District of Alabama, and Anand Agneshwar, among others. The Defendant was represented by Alabama Assistant Attorney General Lauren A. Simpson and Joseph “Jody” Stewart, an attorney for the Alabama Department of Corrections (“ADOC”).

During the teleconference, ADOC indicated that it was continuing to assess the safety implications of conducting executions by nitrogen hypoxia, has not yet finalized its protocol for these executions, and has not yet determined whether spiritual advisors will be allowed in the execution chamber. Accordingly, it is ORDERED as follows:

1. A status teleconference is hereby set in this matter on **Thursday, August 12, 2021 at 9:00 am (CST)**. The Clerk of the Court is DIRECTED to provide a court reporter for this proceeding. Counsel shall contact chambers for the teleconference phone number.
2. The Defendant shall file a status report no later than **Monday, August 2, 2021**, indicating the progress it has made in developing its nitrogen hypoxia protocol.

DONE this the 6th day of July, 2021.

/s/ R. Austin Huffaker, Jr.  
R. AUSTIN HUFFAKER, JR.  
UNITED STATES DISTRICT JUDGE